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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/576,979	02/02/2007	Jacobus Johannes Van Dijk	2001-1839	5830

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YOUNG & THOMPSON  
209 Madison Street  
Suite 500  
Alexandria, VA 22314

EXAMINER
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PAINTER, BRANON C

ART UNIT	PAPER NUMBER
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3635

NOTIFICATION DATE	DELIVERY MODE
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02/17/2011

ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

DocketingDept@young-thompson.com

<b>Office Action Summary</b>	<b>Application No.</b> 10/576,979	<b>Applicant(s)</b> VAN DIJK, JACOBUS JOHANNES	
	<b>Examiner</b> BRANON C. PAINTER	<b>Art Unit</b> 3635	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 26 November 2010.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 13-30 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 13-30 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)         | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)         | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date. _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 11/26/10 has been entered.

### ***Claim Objections***

2. Claims 13, 14, 18, 19, and 24-26 are objected to because of the following informalities:
  - a. Claim 13, "beams (9)." For the purpose of this examination, the examiner presumes this should read "beams (9, 10)."
  - b. Claims 13, 19, and 25, "comprised plural." For the purpose of this examination, the examiner presumes this should read "comprised of plural."
  - c. Claims 13, 19, and 25, "along the first direction." The first direction is the direction in which the longitudinal beams extend; the ridge sections of the application extend in the second direction. For the purpose of this examination, the examiner presumes this should read "along their edges and extending in the second direction."

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- d. Claim 14, “each of said further...columns (3).” While auxiliary columns are not immediately above columns 3, they are still supported by those columns. For the purpose of this examination, the examiner presumes this phrase should be removed.
- e. Claims 18, 24, “second of the longitudinal section.” For the purpose of this examination, the examiner presumes this should read “second of the longitudinal sections.”
- f. Claim 19, “some of the gutters...where the first and second longitudinal beams are free of support from the vertical columns” and “some others of the gutters...where the first and second longitudinal beams are free of support from the vertical columns.” While auxiliary columns are not immediately above columns 3, they are still supported by those columns; the supported sections applicant claims refer to positions directly above columns 3. For the purpose of this examination, the examiner presumes this should read “some of the gutters...directly above a vertical column” and “some others of the gutters...that are not directly above a vertical column.”
- g. Claim 25, “some of the members...where the first and second longitudinal beams are free of support from the vertical columns.” The supported sections applicant claims refer to positions directly above columns 3. For the purpose of this examination, the examiner presumes this should read “some of the members...directly above a vertical column”.

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- h. Claim 26, “some others of the members (19)...where the first and second longitudinal beams are free of support from the vertical columns.” While auxiliary columns are not immediately above columns 3, they are still supported by those columns. For the purpose of this examination, the examiner presumes this should read “some others of the members (19) are...that are not directly above a vertical column.”
- i. Appropriate correction is required for all preceding objections.

***Claim Rejections - 35 USC § 103***

- 3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
- 4. **Claims 13-17, 19-23, and 25-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Vermeer (5,655,335) in view of Davison (GB 2,341,833).**
- 5. Regarding claims 13, 16, 19, 22, 25, and 28:
  - a. Vermeer discloses a greenhouse including:
    - i. Plural vertical columns (12, Fig. 1).
    - ii. First and second longitudinal beams (14) extending in a first direction between and connected to the columns (Fig. 1), the beams maintaining cohesion between said columns.
    - iii. Plural gutters (22) running in a second direction, between and over the two longitudinal beams.
    - iv. A roof construction (Fig. 1) comprised of plural individual roofs (23).

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- v. Each roof comprising one of the gutters (22) and extending, in the second direction, between and over the two longitudinal beams.
  - vi. Plural ridge sections (28), each connecting two of the roofs [claims 13, 19, 25].
  - vii. Each roof comprised of plural panels (23), each extending from a corresponding gutter to a corresponding ridge and connected to each other across both beams [claims 13, 19].
  - viii. Some gutters directly above a vertical column (Fig. 1) [claims 19, 25].
  - ix. Other gutters not directly above a vertical column (Fig. 1) [claim 19].
  - x. The beams comprising two longitudinal sections (top, bottom of 14) extending in the first direction and joined by link sections (middle bars of 14) [claims 16, 22, 28].
- b. Vermeer does not expressly disclose a moveable carriage supported by and extending between the beams and movable in the first direction [claims 13, 19, 25], the carriage having wheels or a third rail arranged for taking the carriage wheels [claims 16, 22, 28].
- c. Davison discloses a greenhouse including a moveable carriage (21, Fig. 1-3) [claims 13, 19, 25] having wheels (24) and rails (20) connected to supports and carrying the wheels [claims 16, 22, 28].
- d. At the time of the invention, it would have been obvious to a person of ordinary skill in the art to modify the greenhouse of Vermeer by adding support rails to the longitudinal beams, and supporting a wheeled carriage

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thereon, as taught by Davison, in order to allow persons, water, and other greenhouse supplies to be transported along the greenhouse without the risk of damaging the plants.

6. Regarding claim 14, Vermeer/Davison as modified above teaches a greenhouse with wheeled carriage, with Vermeer further disclosing plural auxiliary columns (20, 16), at least some gutters (20) supported by the auxiliary columns.
7. Regarding claims 15, 20, 21, 26, and 27:
  - a. Vermeer/Davison as modified above teaches a greenhouse with wheeled carriage, with Vermeer further disclosing a panel of a film material (c. 4, 52) [claims 15, 20, 26] and other members not directly above a vertical column (Fig. 1) [claim 26].
  - b. Vermeer/Davison does not expressly disclose a distance between the beams of 8-20 meters [claims 15, 21, 27].
  - c. Vermeer/Davison discloses the claimed invention except for the claimed distance between beams. It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the beams 8-20 m apart, since it has been held that where the general conditions of a claim are disclosed in the prior art, discovering the optimum or workable ranges involves only routine skill in the art. Further, such a modification would have been beneficial as it would provide a large carriage while ensuring the columns and beams were still able to support the carriage over such a large span.

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8. Regarding claims 17, 23, and 29, Vermeer/Davison as modified above teaches a greenhouse with wheeled carriage, with the combination further teaching a support section on the side of the longitudinal sections.

9. **Claims 13, 18, 19, 24, 25, and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Vermeer in view of Counts, Jr. (5,915,132 – herein Counts).**

a. Vermeer discloses a greenhouse including:

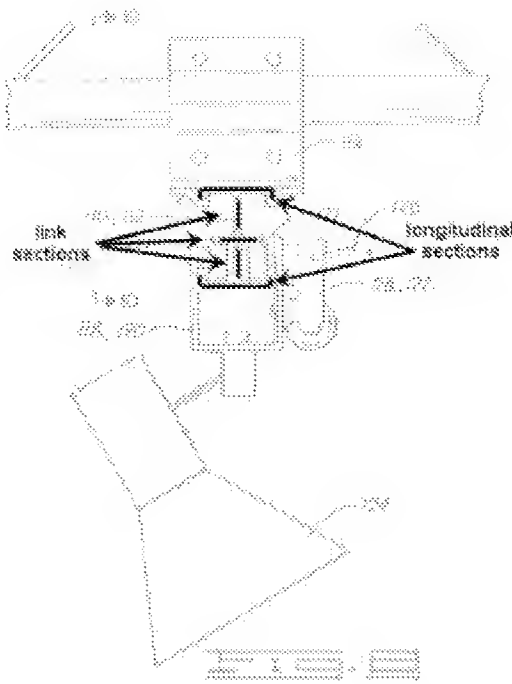
- i. Plural vertical columns (12, Fig. 1).
- ii. First and second longitudinal beams (14) extending in a first direction between and connected to the columns (Fig. 1), the beams maintaining cohesion between said columns.
- iii. Plural gutters (22) running in a second direction, between and over the two longitudinal beams.
- iv. A roof construction (Fig. 1) comprised of plural individual roofs (23).
- v. Each roof comprising one of the gutters (22) and extending, in the second direction, between and over the two longitudinal beams.
- vi. Plural ridge sections (28), each connecting two of the roofs [claims 13, 19, 25].
- vii. Each roof comprised of plural panels (23), each extending from a corresponding gutter to a corresponding ridge and connected to each other across both beams [claims 13, 19].
- viii. Some gutters directly above a vertical column (Fig. 1) [claims 19, 25].



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- ix. Other gutters not directly above a vertical column (Fig. 1) [claim 19].
- x. The beams comprising two longitudinal sections (top, bottom of 14) extending in the first direction with a first above a second, the sections joined by link sections (middle bars of 14) [claims 18, 24, 30].
- b. Vermeer does not expressly disclose a moveable carriage supported by and extending between the beams and movable in the first direction [claims 13, 19, 25], the longitudinal beam sections having U-shaped cross-sections and joined along a centerline by link sections and the carriage having wheels that are accepted in a tray of the beams [claims 18, 24, 30].
- c. Counts discloses a movable lighting fixture carriage (118, Fig. 9) riding on beam sections (110, Fig. 9) [claims 13, 19, 25], each with a U-shaped cross-section (amended Fig. 9) and joined along the centerline by link sections (amended Fig. 9), the carriage wheels (121) riding in a tray of the beams [claims 18, 24, 30].
- d. At the time of the invention, it would have been obvious to a person of ordinary skill in the art to give the longitudinal beams of Vermeer a cross-section that supports carriages, and a wheeled light fixture carriage therein, as taught by Counts, in order to provide plants with ample lighting, while allowing the lights to be movable and ensuring that such movement will not harm the plants.
- e. The examiner notes a carriage fully extending from one beam to the other is not being claimed.

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Reproduced from Counts (amended Fig. 9)

### ***Response to Arguments***

10. Applicant's arguments filed 11/26/10 have been fully considered but they are not persuasive.
11. Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to BRANON C. PAINTER whose telephone number is

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(571)270-3110. The examiner can normally be reached on Mon-Fri 7:30AM-5:00PM, alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eileen Lillis can be reached on (571)272-6928. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Branon Painter  
Examiner  
Art Unit 3633

/Branon Painter/  
Examiner, Art Unit 3633